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12 THE PEOPLE OF THE STATE OF CALIFORNIA

13 (Additional Counsel Listed on Following Page)

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA,

18 Plaintiff,

19 v.

20 HOMEAWAY.COM, INC., a
21 Delaware corporation, and DOES 1-25,
22 inclusive,

23 Defendants.

Case No. 2:22-cv-02578-FLA (JPRx)

**JOINT NOTICE OF
SETTLEMENT AND REQUEST
FOR DECISION ON PEOPLE'S
MOTION TO REMAND [DKT. 16-
19]**

Hon. Fernando L. Aenlle-Rocha
Courtroom 6B

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18 Attorneys for Defendant,
19 HOMEAWAY.COM, INC.

1 WHEREAS, on March 18, 2022, Plaintiff the People of the State of
2 California (“People”) filed a Complaint against Defendant HomeAway.com, Inc.
3 (“Defendant”) in the Superior Court of the State of California in and for the County
4 of Los Angeles (“State Court”);

5 WHEREAS, on April 18, 2022, Defendant removed this action to the United
6 States District Court for the Central District of California (“Federal Court”);

7 WHEREAS, on May 13, 2022, the People filed a Motion to Remand (Dkt.
8 16);

9 WHEREAS, on June 3, 2022, Defendant filed an Opposition to the People’s
10 Motion to Remand (Dkt. 17);

11 WHEREAS, on June 17, 2022, the People filed a Reply in support of the
12 Motion to Remand (Dkt. 18);

13 WHEREAS, on June 29, 2022, the Federal Court took the People’s Motion to
14 Remand under submission and vacated the hearing (Dkt. 19);

15 WHEREAS, on or around November 15, 2022, the People and Defendant
16 (collectively “Parties”) agreed to be bound by and entered into a Settlement
17 Agreement and Release (“Agreement”) to resolve their dispute, under which
18 Defendant agreed to pay \$150,000 in monetary relief and a compliance plan lasting
19 for a period of three (3) years;

20 WHEREAS, under the Agreement, the Parties have agreed that the trial court
21 shall retain jurisdiction to decide any and all disputes, claims, or controversies
22 between the Parties arising out of, related to, or in connection with the validity,
23 interpretation, application, breach, satisfaction, and/or enforcement of the
24 Agreement; and

25 WHEREAS, notwithstanding the settlement, the Parties request the Federal
26 Court to rule on the People’s Motion to Remand, because (1) the Parties cannot
27 stipulate to federal subject matter jurisdiction, (2) the Federal Court has an
28 independent duty to decide federal subject matter jurisdiction, and (3) the filing of a

dismissal in Federal Court before the Federal Court decides federal subject matter jurisdiction places the People at risk of being unable to enforce the Agreement, to the extent the Federal Court later declines to find federal subject matter jurisdiction;

THE PARTIES THEREFORE HEREBY JOINTLY REQUEST THAT:

The Federal Court issue a decision on the People's Motion to Remand without further delay, such that: (1) if the Federal Court grants the People's Motion to Remand, the People can submit a Joint Stipulation and [Proposed] Order of Dismissal in the State Court, requesting that court to retain jurisdiction to enforce the Agreement; or (2) if the Federal Court denies the People's Motion to Remand, the People can submit a different form of a Joint Stipulation and [Proposed] Order of Dismissal in the Federal Court, requesting that court to retain jurisdiction to enforce the Agreement.

Date: November 17, 2022

Respectfully submitted,

OFFICE OF THE LOS ANGELES CITY
ATTORNEY

By: /s/ Steven S. Son

STEVEN S. SON

Attorneys for Plaintiff,

THE PEOPLE OF THE STATE OF
CALIFORNIA

Dated: November 17, 2022

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Kristin A. Linsley

KRISTIN A. LINSLEY

Attorneys for Defendant,

HOMEAWAY.COM, INC.